



Safer Recruitment Policy

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1. Introduction

The safe recruitment of staff is the first step to safeguarding and promoting the welfare of children and young people. Learning to Listen is committed to safeguarding and promoting the welfare of the students in its care and expects all staff to share this commitment.

2. Scope and Objectives

The scope of this policy is to set out the minimum requirements of Learning to Listen recruitment process that aims to:

- attract the best possible applicants to vacancies on the basis of their merit, abilities and suitability
- deter prospective applicants who are unsuitable for work with children or young people
- identify and reject applicants who are unsuitable for work with children and young people.

The objectives of this policy are as follows:

- to ensure that all applicants are considered equally and consistently
- to ensure that no applicant is treated unfairly on any grounds and specifically any protected characteristics as outlined in the Equality Act 2010
- to ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (DfE), [Keeping children safe in education](#) (KCSIE), the Prevent Duty Guidance for England and Wales (the Prevent Duty Guidance) and any guidance or code of practice published by the Disclosure and Barring Services (DBS)
- to ensure that Learning to Listen meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

3. Roles and Responsibilities

3.1 Managing Director

- to ensure Learning to Listen has effective policies and procedures in place for the recruitment of staff and volunteers in accordance with the DfE guidance and legal requirements
- to monitor compliance with the above policies.
- to ensure Learning to Listen operates safe recruitment practices and makes sure appropriate checks are carried out on all staff
- to monitor contractor and agency compliance with this document;
- to promote the safeguarding of students at every stage of the recruitment process.



4. Recruitment and Selection Process

4.1 Recruitment Panels

- In accordance with KCSIE, Learning to Listen ensures that at least one member of any interview panel has undertaken Safer Recruitment training and has kept this training up to date.

4.2 Adverts and Recruitment Packs

- Advertisements for posts, whether in newspapers, journals or online, will include the statement:

“Learning to Listen is committed to safeguarding children and young people. All post holders are subject to a satisfactory enhanced Disclosure and Barring Service (DBS) check.”

Prospective applicants will be supplied, as a minimum, with the following:

- job description and person specification
- Learning to Listen’s child protection policy
- Learning to Listen’s safer recruitment policy
- the selection procedure for the post

4.3 Application Forms

All prospective applicants must fully complete an application form. CVs will not be accepted in isolation.

4.4 Shortlisting

If shortlisted, candidates will be asked to complete a criminal record self-declaration form where they will be required to declare all unspent cautions and convictions; and also any adult cautions (simple or conditional), and spent convictions that are not protected as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2020).

Shortlisted candidates will be sent;

- Childcare Disqualification Declaration form (where applicable)
- Criminal Record Self-Declaration form (all)
- Full details of the selection process

4.5 Employment History and References

A minimum of two references will be taken up and at least one of the references will be obtained from the candidate’s current or most recent employer and will be sought directly from the referee.

Learning to Listen will explore any discrepancy or gaps in employment identified through references during the interview where possible or, at least, before any offer of employment. This includes references for internal candidates.

If a candidate is moving from another provision the reference must be from a member of the SLT and not from a peer colleague.



Open references or testimonials provided by the candidate will not be accepted.

Where necessary, referees will be contacted by telephone or email in order to clarify any anomalies or discrepancies and verify the source of the reference. This contact will then be recorded on Learning to Listen's personnel record for successful candidates.

Where necessary, previous employers who have not been named as referees will be contacted in order to clarify any anomalies or discrepancies. A detailed written note will be kept of such exchanges.

Referees will always be asked specific questions about:

- the candidate's suitability for working with children and young people
- any disciplinary warnings, including time-expired warnings, that relate to the safeguarding of children
- the candidate's suitability for this post.

Candidates are not automatically entitled to see their employment references.

4.6 Selection

Selection techniques will be determined by the nature and duties of the vacant post and may include a variety of methods. Learning to Listen will conduct interviews in a face-to face manner (which could be via remote methods using video conferencing software, such as Microsoft Teams or similar, if face to face is not practical). Telephone interviews may be used at the short-listing stage.

During the interview process candidates will be required to:

- give a satisfactory explanation of any gaps in employment
- provide a satisfactory explanation of any anomalies or discrepancies in the information available to recruiters
- declare any information that is likely to appear on a DBS check (via the criminal record self-declaration form)
- provide a childcare disqualification declaration form if and when required
- demonstrate their capacity to safeguard and protect the welfare of children and young people
- demonstrate how they meet the job description and person specification.
- All applicants who are invited to interview will be asked to bring original evidence of their identity, address, right to work in the UK, relevant qualifications and a completed Criminal Convictions Self-Declaration form.

5. Pre-Employment Checks

Any offer of appointment made to a successful candidate, including anyone who has lived or worked abroad, **must** be conditional on the satisfactory completion of the necessary pre-employment checks and Learning to Listen will:



- verify a candidate's identity, it is important to be sure that the person is who they claim to be, this includes being aware of the potential for individuals changing their name. Best practice is checking the name on their birth certificate, where this is available. Further identification checking guidelines can be found [here](#).
- obtain (via the applicant) an enhanced Children's Workforce DBS certificate including barred list information for those who will be working in regulated activity and an Enhanced Children's Workforce DBS (without the barred list check) for anyone who is working in the provision but is not working in regulated activity
- obtain a separate barred list check if an individual will start work in regulated activity before the DBS certificate is available. Learning to Listen will also carry out a risk assessment if candidates will be starting work prior to a DBS certificate being available
- Separate barred list checks **must** only be carried out in the following circumstances:
 - for newly appointed staff who are engaging in regulated activity, pending the receipt of an Enhanced Certificate with Barred List information from the Disclosure and Barring Service (DBS) (and where all other relevant checks have been carried out); or,
 - where an individual has worked in a post in a provision or college that brought them into regular contact with children or young persons which ended not more than three months prior to that person's appointment to the organisation (and where all other relevant checks have been carried out).
- ensure all shortlisted candidates have completed a Criminal Record self-declaration form disclosing any relevant convictions.
- verify the candidate's mental and physical fitness to carry out their work responsibilities. A job applicant can be asked relevant questions about disability and health in order to establish that they have the physical and mental capacity for the specific role - see paragraph 5.3.
- verify the candidate's right to work in the UK. Advice on this can be found on the [Gov.uk website](#).
 - Since 1 July 2021 candidates from an EEA Country are required to provide evidence of having obtained settled status under the EU Settlement Scheme.
 - Since January 2021, any overseas external candidates must apply for a VISA via the [New Points Based Immigration Scheme](#).
- if the candidate has lived or worked outside the UK, make any further checks Learning to Listen feel appropriate which would include an overseas police check - see paragraph 5.4.
- verify professional qualifications as appropriate by viewing original certificates.
- ensure the candidate completes a childcare disqualification declaration (where appropriate) – see paragraph 5.5.



5.2 Proof of identity, Right to Work in the UK & Verification of Qualifications and/or professional status and Criminal Records Self Declaration Form

All shortlisted candidates invited to attend an interview at Learning to Listen will be required to bring their identification documentation such as passport, birth certificate, driving licence etc. with them as proof of identity/eligibility to work in the UK, in accordance with the Immigration, Asylum and Nationality Act 2006 and DBS Code of Practice Regulations (including evidence of settled status as required) and to complete the Criminal Records Self Declaration form.

Good quality photocopies of all documents will be taken. These will then be signed and dated by the person who has evidenced the originals and the copy should state this;

“Originals seen and identity confirmed”

- **Successful Candidates:** all documents will be stored securely on the employee file for audit and inspection purposes, including any relevant risk assessments.
- **Unsuccessful Candidates:** all documents will be kept securely for no later than 6 months after the recruitment process has been concluded. After which they will be destroyed securely.

Please note that the legislation surrounding what information is disclosed in an Enhanced and Standard DBS certificate changed on 28 November 2020 and as a result, an employer may not receive full details of a candidate's criminal history due to the changes to filtering.

However, in accordance with safeguarding, an employer is still legally entitled to ask shortlisted candidates to disclose their criminal history, however this no longer includes final warnings, cautions and reprimands. Further guidance on this can be found in the NACRO guidance [here](#).

In addition, applicants must be able to demonstrate that they have actually obtained any academic or vocational qualification required for the position and claimed in their application form.

5.3 Fitness to undertake the role

A confidential pre-employment health questionnaire must be completed to verify the candidate's mental and physical fitness to carry out their work responsibilities. A successful candidate can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role **once an offer of employment has been made**.

1.1 Individuals who have lived or worked outside the UK

Candidates who have lived or worked outside the UK must undergo the same checks as all other staff in Learning to Listen. In addition, the provision, **must** make any further checks so that any relevant events that occurred outside the UK can be considered.

The Home Office guidance on criminal records checks for overseas applicants can be found [here](#).



Following the UK's exit from the EU, provisions should apply the same approach for any individuals who have lived or worked outside the UK regardless of whether or not it was in an EEA country or the rest of the world.

These checks could include, where available:

- criminal record checks for overseas applicants - Home Office guidance can be found on GOV.UK; and for teaching positions

obtaining a letter (via the applicant) from the professional regulating authority in the country (or countries) in which the applicant has worked confirming that they have not imposed any sanctions or restrictions, and or that they are aware of any reason why they may be unsuitable to teach.

Where available, such evidence can be considered together with information obtained through other pre-appointment checks to help assess their suitability.

Where this information is not available provisions should seek alternative methods of checking suitability and or undertake a risk assessment that supports informed decision making on whether to proceed with the appointment.

Although sanctions and restrictions imposed by another regulating authority do not prevent a person from taking up teaching positions in England, provisions should consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment. Further information can be found in DfE Guidance.

Not all countries provide criminal record information, and where they do, the nature and detail of the information provided varies from country to country. Provisions should also be aware that the criteria for disclosing offences in other countries often have a different threshold than those in the UK. The Home Office provides guidance on criminal record checks for overseas applicants which can be found [here](#).

Some overseas qualified teachers can apply to the TRA for the award of qualified teacher status (QTS) in England. More information about this is available at the following link [Qualified teacher status \(QTS\): qualify to teach in England - GOV.UK \(www.gov.uk\)](#)

Please note that holding a teaching qualification (wherever it was obtained) does not provide suitable assurances for safeguarding purposes that an individual has not been found guilty of any wrongdoing or misconduct, and/or is suitable to work with children.

2. **Single Central Record**

Learning to Listen will keep a single central record of pre-employment checks, referred to in the Keeping Children Safe in Education Regulations as "the register". The single central record will cover the following people:

- all staff (including independent ad-hoc tutors) who work at Learning to Listen



- confirmation that these checks have been carried out along with the date the check was undertaken/obtained must be logged on this record for all staff of Learning to Listen.

3. Induction

Learning to Listen recognises that safer recruitment and selection is not just about the start of employment but must be part of a larger policy framework for all staff. The provision will therefore provide ongoing training and support for all staff.

All staff who are new to Learning to Listen will receive induction training that will include the provision's Safeguarding policies and guidance on safe working practices including Child Protection, PREVENT.

4. Contractors and Agency Workers

Learning to Listen will obtain written notification from any agency, or third-party organisation they use that the organisation has carried out the checks (in respect of the enhanced DBS certificate, written notification that confirms the certificate has been obtained by either the employment business or another such business), on an individual who will be working at the provision.

Where the position requires a barred list check, this will be obtained by the agency or third party prior to appointing the individual. Learning to Listen will also check that the person presenting themselves for work is the same person on whom the checks have been made.

5. Volunteers

Learning to Listen will not use volunteers. If this were ever to happen, under no circumstances will a volunteer in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.

6. Learning to Listen Managing Director

The Learning to Listen Director is required to have an enhanced criminal records certificate from the DBS.